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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,760	12/24/2003	Kentaro Tanaka	247035US6	8929
22850	7590	05/09/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WHIPKEY, JASON T	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 05/09/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### ADVISORY ACTION

1. Applicant's arguments, see page 2, filed February 29, 2008, with respect to the rejection of claims 3, 36-40, and 42 under 35 U.S.C. 112, second paragraph, have been fully considered and are persuasive. The rejection of claims 3, 36-40, and 42 under that section has been withdrawn.

2. Applicant's arguments filed February 29, 2008, regarding the rejection of claims 2-4, 8, 10, 14-17, 20, 22, and 26-45 under 35 U.S.C. §§ 102(b), 103(a) have been fully considered but they are not persuasive.

On page 5 of the remarks, Applicant argues that "in Suda there is no description of a line-of-sight not being determined at all, and the Official Action fails to point to any portion of Suda that would teach or suggest that the point-of-signal detection circuit 6 fails to make any detection of line-of-sight."

The examiner notes that the claim language in question is, "if the position designation is not received."

In column 3, lines 54-57, Suda discloses that an error occurs when an operator blinks or looks in another direction. During both of these situations, a position designation is not received, as claimed. As noted in the Office action, in response to an error, a default photometry frame is automatically designated (see column 12, lines 8-13).

Assuming *arguendo* that Applicant's claim language is, "if the position designation is never received," the examiner notes that one of ordinary skill in the art would still consider a

failure to detect a line of sight at all to be an "error in detecting the line of sight." Consequently, the failure of a user to designate a region would result in the execution of the error handling described in claim 12, lines 8-13.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:30 A.M. to 6 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye, can be reached at (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.T.W./  
May 7, 2008

Art Unit: 2622

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622